

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILIP GORDON PAAUWE,

Defendant.

INDICTMENT

_____/

The Grand Jury charges:

COUNT 1

(Coercion and Enticement of a Minor)

Between on or about September 26, 2017 and on or about January 4, 2019, in Kent County, in the Southern Division of the Western District of Michigan, and elsewhere,

PHILIP GORDON PAAUWE

used a means and facility of interstate and foreign commerce to knowingly persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which any person could be charged with a criminal offense.

Specifically, Defendant used the internet through his Apple iPhone 7 Plus to persuade, induce, entice, and coerce G.L., who turned 17 in October of 2018, to send images and videos of herself engaged in sexually explicit conduct in violation of 18 U.S.C. § 2251(a).

18 U.S.C. § 2422(b)

COUNT 2

(Sexual Exploitation of a Minor)

Between on or about March 4, 2018 and December 18, 2018, in Kent County, in the Southern Division of the Western District of Michigan, and elsewhere,

PHILIP GORDON PAAUWE

knowingly used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of that conduct, which depictions were transported in or affecting interstate or foreign commerce by any means, including by computer.

Specifically, Defendant used, persuaded, induced, enticed, and coerced G.L., who turned 17 in October of 2018, to produce visual depictions of herself engaged in sexually explicit conduct. Those images and videos originated in Florida and were received by Defendant in Michigan.

18 U.S.C. § 2251(a), (e)

18 U.S.C. § 2256

COUNT 3

(Receipt of Child Pornography)

Between on or about March 4, 2018 and December 18, 2018, in Kent County, in the Southern Division of the Western District of Michigan, and elsewhere,

PHILIP GORDON PAAUWE

knowingly received child pornography that was shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, including by computer.

Specifically, Defendant received images and videos of G.L., who turned 17 in October of 2018, engaged in sexually explicit conduct. Those images and videos originated in Florida and were received by Defendant in Michigan.

18 U.S.C. § 2252A(a)(2)(A) and (b)(1)

18 U.S.C. § 2256

COUNT 4

(Attempted Coercion and Enticement)

Between on or about October 31, 2018, and on or about November 8, 2018, in Kent County, in the Southern Division of the Western District of Michigan,

PHILIP GORDON PAAUWE

used facilities and means of interstate and foreign commerce to communicate with an individual to attempt to knowingly persuade, induce, entice, and coerce an individual who Defendant believed was under the age of 18 years old to engage in sexual activity, for which any person could be charged with a criminal offense.

Specifically, Defendant used the internet to communicate with a person he believed to be the mother of a 13-year-old girl in an attempt to convince the believed mother to allow him to engage in sex acts with the 13-year-old girl, which sex acts would constitute Third Degree Criminal Sexual Conduct in violation of Michigan Compiled Laws § 750.520d.

18 U.S.C. § 2422(b)

COUNT 5
(Possession of Child Pornography)

On or about January 4, 2019, in Kent County, in the Southern Division of the Western District of Michigan,

PHILIP GORDON PAAUWE

knowingly possessed child pornography, including but not limited to one or more of the images listed below by file name:

1. FullSizeRender (4) (2).jpg
2. FullSizeRender (5).jpg
3. FullSizeRender (6) (1).jpg
4. IMG_0949.jpg
5. IMG_1634.jpg

Such depictions included images of child pornography that involved prepubescent minors and were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, including by computer, including but not limited to Defendant's Apple iPhone 7 Plus, which was designed by Apple in the state of California and assembled in the country of China.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256

FORFEITURE ALLEGATION

(Coercion and Enticement of a Minor and
Attempted Coercion and Enticement of a Minor)

The allegations contained in Counts 1 and 4 of the Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 2428.

Pursuant to 18 U.S.C. § 2428, upon conviction of an offense in violation of 18 U.S.C. § 2422 set forth in the Indictment,

PHILIP GORDON PAAUWE

shall forfeit to the United States of America, any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense and any property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of the offense. The property to be forfeited includes but is not limited to an Apple iPhone 7 Plus cell phone, IMEI No. 355839084778390.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c).

18 U.S.C. § 2428

21 U.S.C. § 853(p)

28 U.S.C. § 2461(c)

18 U.S.C. § 2422

18 U.S.C. § 2423

FORFEITURE ALLEGATION

(Sexual Exploitation of a Minor; Receipt of Child Pornography;
Possession of Child Pornography)

The allegations contained in Counts 2, 3, and 5 of the Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2251 or 2252A,

PHILIP GORDON PAAUWE

shall forfeit to the United States of America any visual depiction described in 18 U.S.C. §§ 2251 or 2252A; any matter which contains any such visual depiction that was produced, transported, mailed, shipped, and received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses or any property traceable to such property. The property to be forfeited, as to all counts, includes, but is not limited to an Apple iPhone 7 Plus cell phone, IMEI No. 355839084778390.

If any of the property described above, as a result of any act or omission of the defendant

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the court;

4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

18 U.S.C. § 2253
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)
18 U.S.C. § 2251
18 U.S.C. § 2252A
18 U.S.C. § 2256(8)(A)

A TRUE BILL



GRAND JURY FOREPERSON

ANDREW BYERLY BIRGE
United States Attorney



DAVIN M. REUST
Assistant United States Attorney